



Serial No. 09/497,422
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Berry et al.

Serial No.: 09/497,422

Filed: February 3, 2000

For: STABLE NON AQUEOUS SINGLE
PHASE VISCOUS VEHICLES AND
FORMULATIONS UTILIZING SUCH
VEHICLES

Examiner: B. Fubara

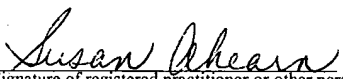
Group Art Unit: 1615

Attorney Docket No.: ARC 2914R1

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

April 11, 2003
Date of Deposit


Signature of registered practitioner or other person
having reasonable basis to expect mailing to occur
on date of deposit shown pursuant to 37 C.F.R. §
1.8(a)(1)(ii)

Susan Ahearn
Typed/printed name of person whose signature is
contained above

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181

Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a petition to withdraw a holding of abandonment. This petition is submitted within two months from the issuance of the Notice of Abandonment, which was mailed on February 13, 2003.

A copy of the Notice of Abandonment issued in the present application is attached hereto

as Exhibit A. As is easily appreciated by reference to the Notice of Abandonment, the present application was deemed abandoned by the Examiner due to a failure to pay the issue fee.

However, Applicants respectfully submit that a fee transmittal sufficient to effect payment of the issue fee due in the present application was timely filed, and Applicants petition that the holding of abandonment in the present application be withdrawn.

A copy of the Notice of Allowance and Fee(s) Due that issued in the present application is attached hereto as Exhibit B. The Notice of Allowance and Fee(s) Due issued on October 2, 2002, resulting in a deadline for payment of the issue fee of January 2, 2003. Applicants respectfully submit that a fee transmittal sufficient to effect payment of the issue fee due in the present application was submitted before the January 2, 2003 deadline.

A copy of the Fee Transmittal and a copy of the Certificate of Mailing of Issue Fee Transmittal that were submitted in the present application are attached hereto as Exhibit C and Exhibit D, respectively. Reference to the Fee Transmittal shows that the Fee Transmittal was signed by Applicants' undersigned attorney on December 12, 2002, and the Fee Transmittal includes a Certificate of Mailing signed by Ms. Katrina M. Ghafghaichi, an assistant to Applicants' undersigned attorney. The Certificate of Mailing certifies that the Fee Transmittal was deposited with the United States Postal Service on December 12, 2002, with sufficient postage for first class mail in an envelope addressed to the required address. In addition, the accompanying Certificate of Mailing of Issue Fee Transmittal includes a signed statement by Ms. Ghafghaichi certifying that the Fee Transmittal was deposited with the United States Postal in an envelope having the proper address on December 12, 2002. Applicants respectfully submit that

Serial No. 09/497,422

the Fee Transmittal and the accompanying Certificate of Mailing of Issue Fee Transmittal were sufficient to effect timely payment of the required issue fee, and Applicants respectfully request that the holding of abandonment in the present application be withdrawn.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Alza Corporation
c/o Johnson & Johnson
One Johnson & Johnson Plaza, WH3221
New Brunswick, NJ 08933
(650) 564-5106

Respectfully submitted,



Samuel E. Webb, Registration No. 44,394
Attorney for Applicant

Attachments: Exhibit A – Exhibit D

Date: April 11, 2003

SEW/sa

EXHIBIT A

SEW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,422	02/03/2003	Stephen A. Berry	ARC2914R1	7482

22921 7590 02/13/2003

ALZA CORPORATION
 P O BOX 7210
 INTELLECTUAL PROPERTY DEPARTMENT
 MOUNTAIN VIEW, CA 940397210

EXAMINER

FUBARA, BLESSING M

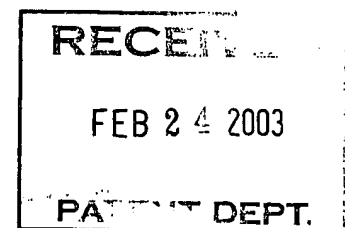
ART UNIT	PAPER NUMBER
----------	--------------

1615

DATE MAILED: 02/13/2003

P #24

Please find below and/or attached an Office communication concerning this application or proceeding.

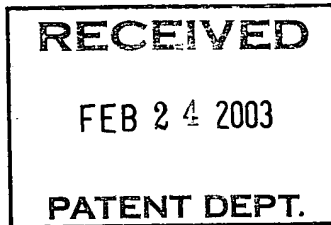




UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

09/497,422



EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

P#24

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.

☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☒ The issue fee has not been received.

☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.

☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

22921

10/02/2002

ALZA CORPORATION
P O BOX 7210
INTELLECTUAL PROPERTY DEPARTMENT
MOUNTAIN VIEW, CA 940397210

A080665

EXAMINER	
FUBARA, BLESSING M	
ART UNIT	CLASS-SUBCLASS
1615	424-422000

DATE MAILED: 10/02/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,422	02/03/2000	Stephen A. Berry	ARC2914R1	7482

TITLE OF INVENTION: STABLE NON-AQUEOUS SINGLE PHASE VISCOUS VEHICLES AND FORMULATIONS UTILIZING SUCH VEHICLES

Dktd mail fee due 1/2/03

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280	\$0	\$1280	01/02/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- ☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

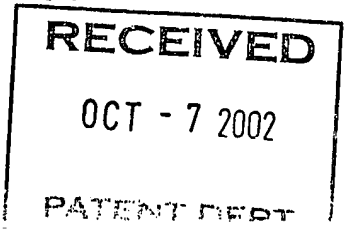
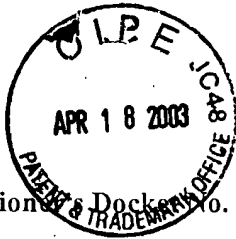


EXHIBIT C

EXHIBIT D



Practitioner's Docket No. ARC 2914R1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Berry, Stephen A.; Ferreira, Pamela J.; Dehnad, Houdin; and Muchnik, Anna

Application No.: 09/497,422

Group No.: 1615

Filed: 02/03/2000

Examiner: B. Fubara

For: Stable Non-Aqueous Single Phase Viscous Vehicles and Formulations Utilizing Such Vehicles

Assistant Commissioner for Patents

Washington, D.C. 20231

CERTIFICATE OF MAILING OF ISSUE FEE TRANSMITTAL
UNDER 37 C.F.R. section 1.8(a)

I hereby certify that the attached Issue Fee Transmittal form PTOL-85 along with authorization to charge Account 01-1173 in form PTOL-85 and a self-addressed stamped acknowledgement card is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

On: December 12, 2002

Katrina M. Ghafghaichi
Signature of person mailing paper

Katrina M. Ghafghaichi



#25 920011615

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/497,422	
	Filing Date	February 3, 2000	
	First Named Inventor	Stephen A. Berry #25	
	Art Unit	1615	
	Examiner Name	Blessing Fubara	
Total Number of Pages in This Submission	13	Attorney Docket Number	ARC 2914 R1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Samuel E. Webb; Alza Corporation c/o Johnson & Johnson
Registration No.	44394
Signature	<i>Samuel Webb</i>
Date	4/11/03

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 04/11/2003			
Typed or printed	Susan Ahearn		
Signature	<i>Susan Ahearn</i>	Date	4/11/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE
Commissioner for Patents
Washington, D.C. 20231
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)
22921 7590 10/02/2002

ALZA CORPORATION
P.O. Box 7210
INTELLECTUAL PROPERTY DEPARTMENT
MOUNTAIN VIEW, CA 940397210

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Katrina M. Ghafghaichi (Depositor's name)
Katrina M. Ghafghaichi (Signature)
December 12, 2002 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,422	02/03/2000	Stephen A. Berry	ARC 2914R1	7482

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280	\$0	\$1280	01/02/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
FUBARA, BLESSING M	1615	424-422000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Samuel E. Webb

1. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

ALZA Corporation

Mountain View, CA.

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee

☐ Advance Order - # of Copies 5

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 01-1173 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.